

REMARKS

Claims 1-3, 6-9, and 11-20 are currently pending. Claims 8, 9, and 17-19 are withdrawn due to restriction requirement. Claims 4, 5, and 10 have been cancelled. Claims 1-3, 6, 7, 11-16, and 20 have been amended, in an effort to more clearly define the claimed invention. Support for these amendments can be found at, for example, the as-filed claims and page 3, lines 26-27 and page 4, lines 3-4 of the specification. No new matter has been added.

Additionally, the specification has been amended in an effort to overcome objections to the drawings and to correct informalities as suggested by the Office Action. No new matter has been added.

Objection to the Drawings

The drawings have been objected to for failing to comply with 37 CFR 1.84(p)(5). The specification has been amended to remove reference to “19A, 19B, 19C” (per page 10, line 19); “12C, 12D” (per page 10, line 30); and “21” (per page 11, line 30). Additionally, the specification has been amended to include reference to 114 of Figure 5.

Applicants believe such amendments to the specification render these objections moot. Accordingly, Applicants respectfully request withdrawal of the objection to the drawings pursuant to 37 CFR 1.84(p)(5).

Objection to the Specification

The specification has been objected to for the following informalities: (1) “16” on page 11, lines 23 and 26 should allegedly be “12”; (2) “20” on page 12, line 12 is allegedly incorrect; (3) “611” on page 13, line 9 should allegedly be “613”; and (4) “614” on page 13, line 19 is allegedly incorrect. Applicants have amended the specification in a manner that renders these objections moot. Accordingly, Applicants respectfully request withdrawal of these objections to the specification.

35 U.S.C. § 112 Claim Rejection

Claims 3, 12, 13, and 16 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Action refers to the phrases “by the carrier” in claim 3, “the bristles disposed in tufts” and “elastomer pads” in claims 12, and “tip end” and “base end” in claim 16. Although Applicants do not necessarily agree with these rejections,

the claims have been amended in a manner that Applicant believes renders these rejections moot. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 3, 12, 13, and 16 under 35 U.S.C. § 112.

35 U.S.C. § 102 Claim Rejections

Claims 1-7, 10, 11, and 20 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 2,706,825 (hereafter “Blakeman”). Applicants respectfully traverse this rejection because Blakeman does not teach or suggest each and every element of the claimed invention.

Blakeman discloses a toothbrush head comprising a flexible bristle carrier (20) supported by a part (12,13) leaving the carrier unsupported between its longitudinally opposed ends. The head and handle may be made of plastic. As now amended by combination with claims 4 and 5, present claim 1 recites in part “the support is capable of resilient bending deformation so that under the forces encountered in toothbrushing the tip part of the carrier can move resiliently to follow an arc in a plane perpendicular to the width direction” and “the support can perform resilient twisting deformation about a generally longitudinal twist axis.” Neither of these elements appear to be taught or suggested by Blakeman.

As can be seen from the drawings of Blakeman the part (12,13) is so wide and thick that it would not “perform resilient twisting deformation about a longitudinal twist axis” during toothbrushing as presently claimed, nor does it appear to be thin enough to bend to allow the tip part of the carrier to move in an arc as presently claimed. In fact, this seems to be specifically avoided by Blakeman. In Blakeman the carrier (20) appears to be merely spring fitted into the head (11) by resilient co-operation with the recesses (17,18). Blakeman explains in col. 2 line 8-11 that it is desired that the base of the carrier (20) does not twist out of the head portion (11). It appears to be logical for the same reason that twisting of the part (11,12) should be avoided, as this would cause a disconnection of the carrier (20) and part (12,13). Similarly, if the part (11,12) moved in an arc as presently claimed, the recesses (17,18) could move apart and the carrier (20) would become disconnected.

Claims 1-7 and 20 have also been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by DE 20109123 (hereafter “the 123 reference”). Applicants have amended claim 1 to include the content of claim 10, which, as recognize by the Action, is not

disclosed in the 123 reference. As such, claims 1-7 and 20 are not anticipated by the 123 reference.

Accordingly, for at least these reasons, Applicant respectfully requests withdrawal of the rejections of claims 1-7, 10, 11, and 20 under 35 U.S.C. § 102.

35 U.S.C. § 103 Claim Rejections

Claims 14-16 have been rejected under 35 U.S.C. § 103 as allegedly being obvious over Blakeman in view of U.S. Publication No. 2004/0025275 (hereafter “Moskovich”). Applicants respectfully traverse this rejection because the cited references neither individually nor in combination, teach or suggest the claimed invention.

The Action alleges that Blakeman discloses a flexible bristle carrier (20) which may be made of any elastic material, that it would be obvious to use any other flexible material, and as Moskovich [0026] discloses a gel material it would be obvious to use the visco-elastic material claimed in present claim 14 or specifically the polyurethane gel of claims 15 and 16.

Initially, Applicants assert that claims 14 and 15 are dependent upon claim 1. As mentioned previously, each and every element of claim 1 is not taught or suggested by Blakeman and Moskovich fails to remedy this deficiency.

Furthermore, the Action’s understanding of Moskovich’s relationship to the present claimed invention appears to be incorrect. As presently claimed, the bristles are mounted on a flexible pad of elastic material. In Moskovich, bristles are mounted on a so-called “shelf-like protrusion” (see paragraph [0005] and throughout the specification). There is little guidance in Moskovich as to what these shelf-like protrusions are made of, other than in paragraph [0019], which states that they may be made of “hard plastic material”. But repeatedly, (see, for example, paragraphs [0016], [0017], [0019], [0020], [0022] and [0026]), Moskovich states that the shelf-like protrusions are “**covered**” with elastomeric material. Consequently, there is no disclosure or suggestion in Moskovich that the shelf-like protrusions can be made of an elastic material, rather than being merely covered by elastomer, and that the bristles thereon may be mounted on the elastic material as in the present invention. Moskovich appears to suggest only a conventional mounting of bristles in hard plastic shelf material, then covering the shelf with the bristles mounted thereon with elastomer.

Moreover the Action asserts that paragraph [0026] of Moskovich shows that the elastomer material could additionally include a soft gel-like material. This does not appear to

suggest that the carrier is made of the claimed visco-elastic gel. Furthermore, Moskovich does not appear to suggest the specific polyurethane gel of claims 15 and 16. Nor does Moskovich suggest the advantageous bonding referred to on present page 8 line 14-17 between the polyamide "PA" materials e.g. nylon bristles, and polyurethanes as used in the present invention.

Claim 12 has been rejected under 35 U.S.C. § 103, as allegedly being obvious over Blakeman in view of U.S. Patent No. 6,036,277 (hereafter "Weihruch"). Applicants respectfully traverse this rejection because the cited references neither individually nor in combination teach or suggest the claimed invention.

Initially, Applicants assert that claim 12 is dependent upon claim 1. As mentioned previously, each and every element of claim 1 is not taught or suggested by Blakeman and Weihruch fails to remedy this deficiency.

Additionally, present claim 12 relates to the fixing of the tufts of bristles into the elastomer material of the pad by means of plastic material rings embedded in the elastomer. Weihruch, in fact, teaches a completely different method of fixing tufts of bristles into an elastomer pad, in which tufts (2) with their ends fused into an enlarged mass (4) are rammed by force into socket holes (25) in the elastomeric carrier (1). No fixing ring is embedded in the elastomer pad of Weihruch as is apparent from, for example, Weihruch Figs. 3A-3C or 4A-4C.

Claims 12 and 13 have been rejected under 35 U.S.C. § 103, as allegedly being obvious over Blakeman in view of WO 98/43514 (hereafter "the 514 reference"). Applicants respectfully traverse this rejection because the cited references neither individually nor in combination teach or suggest the claimed invention.

Initially, Applicants assert that claims 12 and 13 are dependent upon claim 1. As mentioned previously, each and every element of claim 1 is not taught or suggested by Blakeman and the 514 reference fails to remedy this deficiency.

As previously stated, present claim 12 relates to the fixing of the tufts of bristles into the elastomer material of the pad by means of plastic material rings embedded in the elastomer. Claim 13 specifies that these rings are open ended tubes. The 514 reference discloses the use of "sockets" (5) to enclose the ends of bristle tufts (4) and to hold the ends of the tufts (4) in an elastomer material pad (3). In the 514 reference, however, the "sockets"

(5) appear to be closed ended cup-like holders, i.e. not “rings” or “open ended tubes” as claimed in present claims 12 and 13. The closed ended “sockets” of the 514 reference would constrain downward movement of the tufts therein whereas the present claimed rings or open ended tubes would not. Therefore the 514 reference appears to point away from the present rings and tubes of claims 12 and 13.

Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the rejection of claims 12-16 under 35 U.S.C. § 103.

Conclusion

In view of the foregoing, favorable reconsideration and an indication of allowability of all pending claims is requested respectfully. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully Submitted,

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